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Attorneys for Defendants  
 JOHN H. RASNICK, J. BASIL MATTINGLY,  
 WILL RASNICK, PARKER MATTINGLY, AND  
 M&R SOLUTIONS, LLC

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

CLEAR-VIEW TECHNOLOGIES, INC, a ) **CASE NO. 5:13-cv-02744-BLF**  
 California corporation, )

Plaintiff, )

vs. )

JOHN H. RASNICK, J. BASIL )  
 MATTINGLY, WILL RASNICK, and )  
 PARKER MATTINGLY, individuals )  
 resident in Kentucky; and M&R )  
 SOLUTIONS, LLC, a dissolved Kentucky )  
 Limited Liability Company, )

Defendants. )

**NOTICE OF UNAVAILABILITY OF  
 COUNSEL**

Judge Beth Labson Freeman  
 Magistrate Judge Paul Singh Grewal

Complaint filed: June 14, 2013  
 FAC filed: March 19, 2014

1 TO THE COURT AND TO ALL COUNSEL OF RECORD:

2 Please be advised that DAVID R. JOHANSON and DOUGLAS A. RUBEL, counsel  
3 for Defendants, JOHN H. RASNICK, J. BASIL MATTINGLY, WILL RASNICK,  
4 PARKER MATTINGLY, and M&R SOLUTIONS, LLC, a dissolved Kentucky limited  
5 liability company (collectively, "Defendants") will be unavailable for any hearings,  
6 motions, depositions, trial, or other required court appearances, and will additionally be  
7 unavailable to actively respond to any proposals or motions that may be filed, due and/or  
8 heard during this period of said absence.

9 Both counsel are currently engaged in a trial in the United States District Court for  
10 the Southern District of Mississippi, Northern Division, in Jackson, Mississippi, styled,  
11 *Thomas E. Perez, Secretary of the United States Department of Labor v. Herbert C.*  
12 *Bruister, et al.*, Case 3:13-cv-1001-DPJ-FKB, consolidated with *Joel D. Rader, et al. v.*  
13 *Herbert C. Bruister, et al.*, Case 3:13-cv-1081-DPJ-FKB, which was initially scheduled  
14 for a two-week trial beginning August 4, 2014. That trial has taken longer than expected  
15 and is now expected to continue for four weeks, through August 29, 2014.

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1 Please be advised that purposely scheduling a conflicting proceeding without good  
2 cause is sanctionable conduct. *See, e.g., Tenderloin Housing Clinic v. Sparks* (1988) 8  
3 Cal.App.4th 299.

4  
5 Dated: August 15, 2014

Respectfully Submitted,

6 JACKSON LEWIS P.C.

7 By: /s/ David R. Johanson

8 David R. Johanson

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23 ATTORNEYS FOR

24 DEFENDANTS/COUNTERCLAIM

25 PLAINTIFFS JOHN H. RASNICK, J.

26 BASIL MATTINGLY, WILL

27 RASNICK, PARKER MATTINGLY,

28 and M&R SOLUTIONS, LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 15, 2014, I caused a copy of the foregoing to be filed electronically via this Court's ECF Notice System. Notice of this filing will be sent to all parties by operation of this Court's electronic system.

JACKSON LEWIS P.C.

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